IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 26341 of 1998

Between:

1 M.Lakshminarayana S/o.Venkateswarlu
R/o.Lingamguntla Post,Narasaraopet Mandal,Guntur Dist.
2 G.Vijaya Bhaskara Reddy S/o.Sidda Reddy
R/o.Chandravaram Post,Nandendla Mandal Guntur Dist.
3 Syed Abdul Khayyam S/o.Mastan
R/o.ASI/RPF,Security control Divil.Office DRM's compound,South Central Railway
Vijayawada.
4 T.Srinivasa Sastry S/o.Mangavadhuvulu
R/o.D.No.10-84-6/8,Indiranagar Colony Tenali
Guntur Dist.
5 K.John Shadrak S/o.K.Devadanam
R/o.D.NO.17/16/8/2,G.K.Road Poornandapet,Baptist Palem
Vijayawada.
6 T.Siva Kameswara Rao S/o.Sambasiva Rao
R/o.SI/RPF,Donakonda Railway Station Prakasam Dist.

..... PETITIONERS

AND

1 Union of India Rep.by its Chief Security Commissioner
Railway Protection Force South Cental Railway Rail Nilayam
Sec'bad.
2 Recruitment Selection Committee - 96
Railway Protection Force South Cental Railway Rail Nilayam
Sec'bad.
3 The Director General, Railway Protection Force, Railway Board, Railbhavan,

New Delhi.

R3 is impleaded as per court order dt. 8-10-2004 in WPMP 23841 of 2004

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of the Writ Mandamus to set aside the selections by declaring that the selections made by the respondents in pursuant to notification No.2/96, dt.20-11-96, of the first respondent contrary to the rules as illegal, arbitrary and violative of article 14 and 16 of the Constitution of India and consequently direct the respondents to re-conduct the selections on Zonal basis by conduction common examination, Common Interview etd., and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.J.M.NAIDU

Counsel for the Respondents: MR.GOURI SHANKAR SANGHI

The Court made the following :

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ORDER:

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This writ petition is filed seeking a *Mandamus* to declare the selections made by the respondents pursuant to Notification No.2 of 1996 dated 20-11-1996 of the 1st respondent, as arbitrary and illegal and to pass consequential orders.

It is the case of the petitioners that in pursuance of an employment notification No.1 of 1994, dated 29.04.1994, the petitioners have applied. However, the said notification was cancelled and another notification No.2 of 1996, dated 20-11-1996, was issued inviting applications for the recruitment to the posts of constables in the Railway Protection Force. According to the petitioners, the examinations were conducted in different centers and each center was taken as a unit for recruitment. Therefore, the respondents have committed an illegality in conducting tests separately in each center and also selecting candidates appeared in that particular center. For example, in center 'A' a person who got 40 marks was selected whereas in center 'B' even though a person got 60 marks could not be selected. According to the petitioners, the results at various centers ought to have been pooled up and the list of meritorious candidates should have been prepared, and selections and appointments ought to have been made on that basis. Since such a course of action was not adopted, the same is arbitrary and illegal.

The respondents have filed a detailed counter affidavit stating that it is a fact that

examination papers were different from center to center though uniform pattern of examination was conducted. In the very notification No.2 of 1996, dated 20.11.1996, the center wise break up figures were indicated showing the number of vacancies and also the vacancies meant for various groups for the purpose of recruitment. Therefore, the contention of the petitioners that conducting center-wise examinations and appointing the persons on that basis cannot be said to be either arbitrary or illegal.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side.

The notification No.2 of 1996, dated 20.11.1996, shows the centers and the break up figures for each category, which reads as under:

“Appointment center and break up category.

Name of State Name of Centre OC. OBC SC ST TOTAL

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1. A.P. SEC’BAD 60 32 17 11 120

2. KTA/GOA (Goa.4) BZA 45 24 13 08 90

3. M.R. ANPR.(GTL) 28 15 07 05 55

4. MR./MP (M.P.4) HBL. 37 20 11 07 75

KOPR. 10 05 03 02 20

NANDED. 18 10 05 03 16

TOTAL: 198 106 56 36 396”

It is not the case of the petitioners that they were not permitted to appear in different centers where the examinations were conducted. It is also not the case of the petitioners that they were qualified in a particular center but they were not selected on the basis of the marks obtained by somebody else in the other centers. The only

grievance of the petitioners is that when 198 vacancies were notified, the Department ought to have conducted a common examination and a common selection. Instead of that, the Department has adopted the procedure of center-wise examination and also selection on the basis of the examination conducted by that particular center.

The sum and substance of the submission of learned counsel for the petitioners is that unless and until all the vacancies are pooled together and the marks obtained by the candidates appeared in various centers are prepared merit-wise, the appointments could not have been made. There is no substance in such submission in view of the fact that in the very notification itself break up figures and the quota meant for each group in the reserved category were given. However, learned counsel for the petitioners placed heavy reliance in a judgment reported in ***Radhey Shyam Singh v. Union of India***. It was the specific case of the appellants therein that since the vacancies available in each zone were not indicated, the appellants therein were denied the opportunity to appear at the competitive examinations from center of a zone where the number of vacancies were large, there being more and better chances of selection. Therefore, the appellants therein were denied the opportunity of competing with the candidates of other centers. The facts of the said case have no relevance to the facts of the case on hand. In the instant case, the examinations were conducted separately though the pattern of examination was one and nothing prevented the petitioners from applying in the other centers and appear for the examination and getting themselves selected and appointed. Therefore, the contention of the petitioners that the selections and appointments made by the respondents i.e., center-wise and category-wise for each center cannot be said to be either arbitrary or illegal. May be some candidates in other centers who got lesser marks than the petitioners were also selected as per the merit list prepared in that particular center. That itself does not mean that there was any injustice suffered by the petitioners much less any substantial injustice to call for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

21.06.2005

GJ

To

1 The Chief Security Commissioner, Union of India,
Railway Protection Force South Cental Railway Rail Nilayam
Sec'bad.
2 Recruitment Selection Committee - 96
Railway Protection Force, South Cental Railway Rail Nilayam
Sec'bad.
3 The Director General, Railway Protection Force, Railway Board, Railbhavan, New Delhi.